



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,129	03/07/2000	ROLF JERNSTROM	PAT121USA	6771
24339	7590	09/27/2011		
JOEL D. SKINNER, JR. SKINNER AND ASSOCIATES 212 COMMERCIAL ST. HUDSON, WI 54016			EXAMINER NGUYEN, CHI Q	
			ART UNIT	PAPER NUMBER
			3635	
			MAIL DATE	DELIVERY MODE
			09/27/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/508,129

**Applicant(s)**

JERNSTROM, ROLF

**Examiner**

CHI NGUYEN

**Art Unit**

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5 and 7-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This non-final Office action is in response to applicant's amendment filed on 5/2/2011.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/2/2011 has been entered.

2. Claims 1, 3, 5 and 7-9 are pending and examined.
3. Claims 2, 4 and 6 have been cancelled.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 9 recites the limitation "the tube" in line 7. There is insufficient antecedent basis for this limitation in the claim. It should be read as --the hollow tube--? Clarification is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 5, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 4,751,804 to Cazaly.

9. Claim 1: Cazaly discloses a post 100 for use in leading an electrical current signal, comprising: a hollow tube (col. 5; line 25; Figs. 1-2) having a wall 102 constructed of at least two layers including an inner layer 110 and an outer layer 108, said layers 110/108 surrounding a hollow core, and at least one conductive lead 115 inherently having two ends and being adapted to be connected at said ends to electrically operated devices, said lead being integrally formed with within the wall of and the tube.

10. Claims 5 and 7: Cazaly discloses wherein the lead 115 is located in an interface between the inner layer 110 and the outer layer 108 of the post 100; wherein the lead is a wiring harness having a plurality of conductive lead is located an interface between the inner layer 110 and the outer layer 108 of the post 100 and wherein the lead is conductive lead because of metal material (col. 7; lines 47-48).

11. Claim 9: Cazaly discloses a post 10 for use in leading an electrical current signal, comprising: a hollow tube (col. 5; line 25; Figs. 1-2) having a predetermined length and being constructed of a wall 102 having at least two layers including an inner layer 110

and an outer layer 108, said layers 110/108 surrounding a hollow core, at least one said layer being formed of a flexible material because to material characteristic such as polymer (see col. 5; line 27); at least one conductive lead 115 inherently having two ends, said lead being integrally formed within the wall (Fig. 2) of the tube within or between said layers along a substantial portion of its length; and a connector 26 at said ends of said lead for connected to electrically operated devices (col. 5; lines 11-15).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Alternatively, claims 1, 3, 5, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 3,364,635 to Guggemos in view of US Pat. No. 4,751,804 to Cazaly.

14. Claims 1, 3, 5, 7 and 9: Guggemos discloses a post 32 for use in leading an electrical current signal, comprising: a hollow tube or core (Fig. 1A) having a wall constructed of at least at least one conductive lead 43/47 having a plurality of conductive lead and are obviously having two ends and being adapted to be connected at said ends to electrically operated devices (see Figs. 1-2); wherein at least one lead ends 43/47 is connected to one or more connectors 46, said lead being integrally formed with within the wall (wherein 32 points to in Fig. 2) of and the tube. Guggemos discloses the basic structures for the post or pole as stated but does not disclose

expressly the wall constructed of at least two layers including an inner and an outer layer and the lead is located in between the layers. Cazaly discloses a post 100 for use in leading an electrical current signal, comprising: a hollow tube (col. 5; line 25; Figs. 1-2) having a wall 102 constructed of at least two layers including an inner layer 110 and an outer layer 108, said layers 110/108 surrounding a hollow core, and at least one conductive lead 115 is located in between the inner and outer layers 110/108. In view of Cazaly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Guggemos a post wall having more than one layers, e.g. an inner layer, an outer layer and so that the electrical wire or lead located in between the layers in order to prevent electrical currents are being lost or interrupted by severe weather.

15. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 4,751,804 to Cazaly in view of US Pat. No. 5,339,594 to Ventura-Berti.

16. Cazaly discloses the basic structures for the pole as stated above but does not disclose expressly wherein the lead is disposed within a layer. Ventura-Berti discloses a post for supporting electric power supply cables comprising an elongated body 1, a hollow core 10, an inner ceramic material layer 5, an outer polymer material layer 8 and plurality of lead or hardness wires 7 are disposed within the layer 8 (see Fig. 2). In view of Ventura-Berti, it would have been obvious to one with ordinary skill in the art at the time the invention was made to rearrange the lead disposed within the layer in order to securely insulated the lead from being exposed to environment or interior of the pole; thus minimizing the electrical shock, etc.

***Response to Arguments***

17. Applicant's arguments with respect to claims 1, 3, 5 and 7-9 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Contact Information***

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached at (571) 272-6928. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

/EILEEN D LILLIS/  
Supervisory Patent Examiner,  
Art Unit 3635

/C. N./

Examiner, Art Unit 3635